

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. 09-_____</b>
<b>v.</b>	<b>:</b>	<b>DATE FILED: _____</b>
<b>ABDUL CUNNINGHAM,</b>	<b>:</b>	<b>VIOLATION:</b>
<b>    a/k/a “James Walker,”</b>	<b>:</b>	<b>18 U.S.C. § 1029(b)(2) (conspiracy to</b>
<b>    a/k/a “Duley,”</b>	<b>:</b>	<b>commit access device fraud - 1 count)</b>
<b>JACQUELINE V. YOUNG</b>	<b>:</b>	<b>18 U.S.C. § 1029(a)(2) (access device</b>
<b>TOMMY NGUYEN</b>	<b>:</b>	<b>fraud - 2 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 1029(a)(3) (access device</b>
	<b>:</b>	<b>fraud - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 1029(a)(4) (access device</b>
	<b>:</b>	<b>fraud - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 1028A(a)(1), (c)(4)</b>
	<b>:</b>	<b>(aggravated identity theft - 35 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>
	<b>:</b>	<b>Notice of forfeiture</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times material to this indictment:

1. Defendant JACQUELINE V. YOUNG worked as a waitress at a T.G.I. Friday’s restaurant on City Line Avenue in Philadelphia.
2. Defendant TOMMY NGUYEN worked as a waiter at the Vietnam Palace restaurant in Center City Philadelphia.
3. The following were credit or debit card accounts:
  - a. Account ending in 9871, in the name of a person with the initials G.W., serviced by HSBC Bank Nevada, N.A.;

- b. Account ending in 1000, in the name of a person with the initials L.J., serviced by American Express;
- c. Account ending in 1793, in the name of a person with the initials J.S., serviced by Beneficial Bank;
- d. Account ending in 2424, in the name of a person with the initials M.S., serviced by Citizens Bank;
- e. Account ending in 2351, in the name of a person with the initials J.M., serviced by American Express;
- f. Account ending in 8033, in the name of a person with the initials D.A., serviced by Wachovia Bank N.A.;
- g. Account ending in 6405, in the name of a person with the initials R.L., serviced by Citibank N.A.;
- h. Account ending in 9142, in the name of a person with the initials S.C., serviced by Citibank N.A.;
- i. Account ending in 8013, in the name of a person with the initials R.M., serviced by Wachovia Bank N.A.;
- j. Account ending in 8975, in the name of a person with the initials V.P., serviced by Citibank N.A.;
- k. Account ending in 2707, in the name of a person with the initials J.C., serviced by Third Federal Bank;
- l. Account ending in 9679, in the name of a person with the initials K.U., serviced by F.I.A. Card Services N.A.;

- m. Account ending in 2498, in the name of a person with the initials M.M., serviced by Sovereign Bank;
- n. Account ending in 0085, in the name of a person with the initials K.T., serviced by F.I.A. Card Services N.A.;
- o. Account ending in 9062, in the name of a person with the initials M.T., serviced by F.I.A. Card Services N.A.;
- p. Account ending in 1859, in the name of a person with the initials M.B., serviced by JP Morgan Chase;
- q. Account ending in 1979, in the name of a person with the initials H.S., serviced by Univest National Bank;
- r. Account ending in 3459, in the name of a person with the initials J.N., serviced by American Express;
- s. Account ending in 7544, in the name of a person with the initials A.R., serviced by JP Morgan Chase;
- t. Account ending in 1039, in the name of a person with the initials L.M., serviced by American Express; and
- u. Account ending in 5837, in the name of a person with the initials A.G., serviced by USAA Federal Savings Bank.

4. The following servicers of credit and debit card accounts did business in interstate commerce:

- a. HSBC Bank Nevada, N.A.;
- b. American Express;

- c. Beneficial Bank;
  - d. Citizens Bank;
  - e. Wachovia Bank N.A.;
  - f. Citibank N.A.;
  - g. Third Federal Bank;
  - h. F.I.A. Card Services N.A.;
  - i. Sovereign Bank;
  - j. JP Morgan Chase;
  - k. Univest National Bank; and
  - l. USAA Federal Savings Bank.
5. The following businesses did business in interstate commerce:
- a. T.G.I. Friday's;
  - b. Vietnam Palace;
  - c. Walmart;
  - d. Home Depot;
  - e. CITGO service station;
  - f. Gulf service station;
  - g. Macy's;
  - h. Pathmark;
  - i. Memphis Taproom; and
  - j. K-Mart.

6. A skimming device, or skimmer, is a device that is capable of reading and recording the information stored on the magnetic strips of credit or debit cards, and is capable of transferring that information to another electronic storage device, such as a computer, by use of connecting cables.

7. An encoding device, or encoder, is a device that is capable of reading the information stored on the magnetic strips of credit or debit cards and also writing information to the magnetic strips on credit or debit cards.

8. From in or about January 2008, to in or about May 2009, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**ABDUL CUNNINGHAM,  
a/k/a “James Walker,”  
a/k/a “Duley,”  
JACQUELINE V. YOUNG, and  
TOMMY NGUYEN,**

conspired and agreed, together and with others known and unknown to the grand jury, to commit an offense against the United States, that is, to knowingly and with intent to defraud traffic in and use unauthorized credit card and debit card numbers during a one-year period, and by such conduct obtain something of value aggregating \$1,000 or more during that period, in violation of Title 18, United States Code, Section 1029(a)(2).

#### **MANNER AND MEANS**

It was part of the conspiracy that:

9. Defendant ABDUL CUNNINGHAM, a/k/a “James Walker,” a/k/a “Duley,” and others known to the grand jury, provided skimming devices to employees of restaurants and retail stores throughout the Philadelphia area, such as defendants JACQUELINE

V. YOUNG and TOMMY NGUYEN, for them to use secretly to steal the credit card and debit card numbers of their customers, which the members of the conspiracy then used to buy merchandise and other things of value.

10. Defendant ABDUL CUNNINGHAM recruited defendants JACQUELINE V. YOUNG and TOMMY NGUYEN to use skimming devices at their places of employment.

11. Defendants JACQUELINE V. YOUNG and TOMMY NGUYEN each used a skimming device provided to them by defendant ABDUL CUNNINGHAM, secretly to record the credit card and debit card numbers of their restaurants' unsuspecting customers.

12. Defendants JACQUELINE V. YOUNG and TOMMY NGUYEN contacted defendant ABDUL CUNNINGHAM after they had "skimmed" some credit card and debit card numbers for him.

13. Defendant ABDUL CUNNINGHAM met individually with JACQUELINE V. YOUNG and TOMMY NGUYEN in Philadelphia so that they could provide him with the skimming devices on which they had recorded credit card and debit card numbers, and so that CUNNINGHAM could pay them.

14. Defendant ABDUL CUNNINGHAM made the stolen credit card and debit card numbers he received from defendants JACQUELINE V. YOUNG and TOMMY NGUYEN useable by employing his computer to upload the information from the skimming devices, and then using an encoding device to record the stolen numbers onto the magnetic strips on the backs of other credit cards, debit cards, or plain white plastic cards.

15. Typically, defendant ABDUL CUNNINGHAM paid defendant JACQUELINE V. YOUNG by transferring a stolen credit or debit card number to the magnetic

strip of one or more of her own credit or debit cards, and then the two defendants went shopping together at stores such as Walmart, K-Mart, and Macy's, buying merchandise, gift cards, and other things of value with the stolen credit card and debit card numbers she had obtained for him.

16. Defendant ABDUL CUNNINGHAM usually paid defendant TOMMY NGUYEN with cash and electronic goods, such as laptop computers and PlayStation video game consoles which NGUYEN then sold to friends and acquaintances for cash. Defendant CUNNINGHAM also paid defendant NGUYEN by encoding stole credit card and debit card numbers onto the magnetic strips of cards in defendant NGUYEN'S possession so that defendant NGUYEN could use those stolen credit and debit card numbers to buy merchandise and other things of value.

17. Defendant ABDUL CUNNINGHAM also used the stolen credit card and debit card numbers to buy merchandise, gift cards, and other things of value. Some of these items he kept for himself, some he used to renovate the home he purchased on South Taylor Street, Philadelphia, some he sold to friends and acquaintances for cash, and some he used to pay his co-conspirators for their participation.

18. During the course of the conspiracy, defendants JACQUELINE V. YOUNG and TOMMY NGUYEN "skimmed" a total of between 200 and 500 credit card and debit card numbers and provided them to defendant ABDUL CUNNINGHAM.

19. Defendant ABDUL CUNNINGHAM worked with at least five other men, all known to the grand jury, who also had skimming and encoding devices and computers, and had recruited employees of restaurants and retail stores throughout the Philadelphia area to steal credit and debit card numbers for them, and who used the stolen credit and debit card numbers to

buy merchandise, gift cards, and other things of value. Defendant CUNNINGHAM and these other men used the same supplier of skimming and encoding devices, went shopping together when using stolen credit and debit card information, shared equipment, such as encoding devices and white plastic cards on which they stored stolen credit and debit card numbers, shared victim credit card and debit card numbers, and fenced the merchandise they purchased with stolen credit card and debit card numbers out of the same house on Manton Street, in Philadelphia.

### **OVERT ACTS**

In furtherance of the conspiracy and to accomplish its object, defendants ABDUL CUNNINGHAM, JACQUELINE V. YOUNG, and TOMMY NGUYEN committed the following overt acts, among others, in the Eastern District of Pennsylvania and elsewhere:

On or about the following dates, defendant JACQUELINE V. YOUNG used a skimming device at T.G.I. Friday's to steal the credit and debit card numbers identified below:

<b>OVERT ACT</b>	<b>DATE</b>	<b>LAST FOUR DIGITS OF CREDIT OR DEBIT CARD NO.</b>	<b>VICTIM'S INITIALS</b>
1	12/7/08	9142	S.C.
2	1/6/09	6405	R.L.
3	3/30/09	8033	D.A.
4	4/3/09	2351	J.M.



On or about the following dates, defendants ABDUL CUNNINGHAM and JACQUELINE V. YOUNG used the credit card and debit card numbers identified below to make the following purchases:

<b>OVERT ACT</b>	<b>DATE</b>	<b>LAST FOUR DIGITS OF CREDIT OR DEBIT CARD NO.</b>	<b>BUSINESS NAME</b>	<b>LOCATION</b>	<b>AMOUNT</b>
5	12/14/08	9142	Walmart	Middletown, DE	\$448
6	12/14/08	9142	Walmart	Middletown, DE	\$798
7	1/8/09	6405	Walmart	Philadelphia, PA	\$605.50
8	1/10/09	6405	Home Depot	Philadelphia, PA	\$215.41
9	1/10/09	6405	Home Depot	Philadelphia, PA	\$244.21
10	1/10/09	6405	Home Depot	Philadelphia, PA	\$116.45
11	1/10/09	6405	Home Depot	Philadelphia, PA	\$159.62
12	1/10/09	6405	Home Depot	Philadelphia, PA	\$197.22
13	1/10/09	6405	Home Depot	Philadelphia, PA	\$85.34
14	1/11/09	6405	Home Depot	Philadelphia, PA	\$271.56
15	1/11/09	6405	Home Depot	Philadelphia, PA	\$98.61
16	1/11/09	6405	Walmart	Philadelphia, PA	\$414.05

<b>OVERT ACT</b>	<b>DATE</b>	<b>LAST FOUR DIGITS OF CREDIT OR DEBIT CARD NO.</b>	<b>BUSINESS NAME</b>	<b>LOCATION</b>	<b>AMOUNT</b>
17	1/11/09	6405	CITGO service station	Philadelphia, PA	\$34.21
18	1/25/09	6405	Gulf service station	Wynnewood, PA	\$33.29
19	4/6/09	8033	Walmart	Rehobeth, DE	\$348
20	4/6/09	2351	Home Depot	Philadelphia, PA	\$167.31
21	4/6/09	2351	Macy's	Cherry Hill, NJ	\$286.61
22	4/6/09	2351	Macy's	Cherry Hill, NJ	\$149.24

On or about the following dates, defendant TOMMY NGUYEN used a skimming device at Vietnam Palace to steal the credit and debit card numbers identified below:

<b>OVERT ACT</b>	<b>DATE</b>	<b>LAST FOUR DIGITS OF CREDIT OR DEBIT CARD NO.</b>	<b>VICTIM'S INITIALS</b>
23	12/27/08	1000	L.J.
24	4/20/09	2707	J.C.

On or about the following dates, defendants ABDUL CUNNINGHAM and TOMMY NGUYEN used the credit card and debit card numbers identified below to make the following purchases:

<b>OVERT ACT</b>	<b>DATE</b>	<b>LAST FOUR DIGITS OF CREDIT OR DEBIT CARD NO.</b>	<b>BUSINESS NAME</b>	<b>LOCATION</b>	<b>AMOUNT</b>
25	12/30/08	1000	Home Depot	Claymont, DE	\$159
26	12/30/08	1000	Home Depot	Claymont, DE	\$526.23
27	4/22/09	2707	Walmart	New Castle, DE	\$797
28	4/23/09	2707	Pathmar k	New Castle, DE	\$50
29	4/23/09	2707	Mem phis Taproom	Philadelphia, PA	\$57

On or about the following dates, defendants ABDUL CUNNINGHAM and others acting in concert with him used the credit card and debit card numbers identified below to make the following purchases:

<b>OVERT ACT</b>	<b>DATE</b>	<b>LAST FOUR DIGITS OF CREDIT OR DEBIT CARD NO.</b>	<b>VICTIM'S INITIALS</b>	<b>BUSINESS NAME</b>	<b>LOCATION</b>	<b>AMOUNT</b>
30	4/21/09	3459	J.N.	Macy's	Newark, DE	\$309
31	4/21/09	3459	J.N.	Macy's	Newark, DE	\$70
32	4/21/09	2498	M.M.	Walmart	Wilmington, DE	\$588

On or about April 23, 2009, defendant ABDUL CUNNINGHAM possessed the following credit card and debit card numbers in the names of individuals with the following initials, with the intent to use the stolen numbers to buy things of value:

<b>OVERT ACT</b>	<b>LAST FOUR DIGITS OF CREDIT CARD OR DEBIT CARD NUMBER</b>	<b>VICTIM'S INITIALS</b>
33	9871	G.W.
34	1000	L.J.
35	1793	J.S.
36	2424	M.S.
37	2351	J.M.
38	8033	D.A.
39	6405	R.L.
40	9142	S.C.
41	8013	R.M.
42	8975	V.P.
43	2707	J.C.

<b>OVERT ACT</b>	<b>LAST FOUR DIGITS OF CREDIT CARD OR DEBIT CARD NUMBER</b>	<b>VICTIM'S INITIALS</b>
44	9679	K.U.
45	2498	M.M.
46	0085	K.T.
47	9062	M.T.
48	1859	M.B.
49	1979	H.S.
50	3459	J.N.
51	7544	A.R.
52	1039	L.M.
53	5837	A.G.

All in violation of Title 18, United States Code, Section 1029(b)(2).

## COUNT TWO

### THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 7 and 9 through 19 of Count One are incorporated here.

2. From in or about December 2008, to in or about April 2009, in Philadelphia, in the Eastern District of Pennsylvania, the District of Delaware, the District of New Jersey, and elsewhere, defendants

**ABDUL CUNNINGHAM,  
a/k/a “James Walker,”  
a/k/a “Duley,” and  
JACQUELINE V. YOUNG**

knowingly and with the intent to defraud used, and aided and abetted and willfully caused the use of, the following unauthorized access devices, in the name of individuals whose names have the following initials, to obtain things of value aggregating \$1,000 or more during a one-year period, for a total of at least \$4,672.63, thereby affecting interstate and foreign commerce:

DATE	LAST FOUR DIGITS OF CREDIT OR DEBIT CARD NO.	VICTIM'S INITIALS	BUSINESS NAME	LOCATION	AMOUNT
12/14/08	9142	S.C.	Walmart	Middletown, DE	\$448
12/14/08	9142	S.C.	Walmart	Middletown, DE	\$798
1/8/09	6405	R.L.	Walmart	Philadelphia, PA	\$605.50
1/10/09	6405	R.L.	Home Depot	Philadelphia, PA	\$215.41
1/10/09	6405	R.L.	Home Depot	Philadelphia, PA	\$244.21
1/10/09	6405	R.L.	Home Depot	Philadelphia, PA	\$116.45
1/10/09	6405	R.L.	Home Depot	Philadelphia, PA	\$159.62
1/10/09	6405	R.L.	Home Depot	Philadelphia, PA	\$197.22

<b>DATE</b>	<b>LAST FOUR DIGITS OF CREDIT OR DEBIT CARD NO.</b>	<b>VICTIM'S INITIALS</b>	<b>BUSINESS NAME</b>	<b>LOCATION</b>	<b>AMOUNT</b>
1/10/09	6405	R.L.	Home Depot	Philadelphia, PA	\$85.34
1/11/09	6405	R.L.	Home Depot	Philadelphia, PA	\$271.56
1/11/09	6405	R.L.	Home Depot	Philadelphia, PA	\$98.61
1/11/09	6405	R.L.	Walmart	Philadelphia, PA	\$414.05
1/11/09	6405	R.L.	CITGO service station	Philadelphia, PA	\$34.21
1/25/09	6405	R.L.	Gulf service station	Wynnewood, PA	\$33.29
4/6/09	8033	D.A.	Walmart	Rehobeth, DE	\$348
4/6/09	2351	J.M.	Home Depot	Philadelphia, PA	\$167.31
4/6/09	2351	J.M.	Macy's	Cherry Hill, NJ	\$286.61
4/6/09	2351	J.M.	Macy's	Cherry Hill, NJ	\$149.24

In violation of Title 18, United States Code, Sections 1029(a)(2) and 2.

### **COUNT THREE**

#### **THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 7 and 9 through 19 of Count One are incorporated here.

2. From in or about December 2008, to in or about April 2009, in Philadelphia, in the Eastern District of Pennsylvania, the District of Delaware, and elsewhere, defendants

**ABDUL CUNNINGHAM,  
a/k/a “James Walker,”  
a/k/a “Duley,” and  
TOMMY NGUYEN,**

knowingly and with the intent to defraud used, and aided and abetted and willfully caused the use of, the following unauthorized access devices, in the name of individuals whose names have the following initials, to obtain things of value aggregating \$1,000 or more during a one-year period, for a total of at least \$1,582.23, thereby affecting interstate and foreign commerce:

<b>DATE</b>	<b>LAST FOUR DIGITS OF CREDIT OR DEBIT CARD NO.</b>	<b>VICTIM'S INITIALS</b>	<b>BUSINESS NAME</b>	<b>LOCATION</b>	<b>AMOUNT</b>
12/30/08	1000	L.J.	Home Depot	Claymont, DE	\$159
12/30/08	1000	L.J.	Home Depot	Claymont, DE	\$526.23
4/22/09	2707	J.C.	Walmart	New Castle, DE	\$797
4/23/09	2707	J.C.	Pathmark	New Castle, DE	\$50
4/23/09	2707	J.C.	Memphis Taproom	Philadelphia, PA	\$57

In violation of Title 18, United States Code, Sections 1029(a)(2) and 2.



**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 7 and 9 through 19, and Overt Acts 33 through 53 of Count One are incorporated here.

2. On or about April 23, 2009, in Delaware County, Pennsylvania, in the Eastern District of Pennsylvania, and elsewhere, defendant

**ABDUL CUNNINGHAM,  
a/k/a “James Walker,”  
a/k/a “Duley,”**

knowingly and with the intent to defraud possessed fifteen or more devices which are counterfeit and unauthorized access devices, thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 1029(a)(3).

**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 7 and 9 through 19 of Count One are incorporated here.
2. From in or about January 2008, to in or about May 2009, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

**ABDUL CUNNINGHAM,  
a/k/a “James Walker,”  
a/k/a “Duley,”**

knowingly and with the intent to defraud produced, trafficked in, had control and custody of, and possessed device-making equipment, thereby affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 1029(a)(4).

**COUNTS SIX THROUGH NINETEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 7 and 9 through 19 of Count One are incorporated here.
2. On or about the dates listed below, in Philadelphia, in the Eastern District of Pennsylvania, the District of Delaware, the District of New Jersey, and elsewhere, defendants

**ABDUL CUNNINGHAM,  
a/k/a “James Walker,”  
a/k/a “Duley,” and  
JACQUELINE V. YOUNG**

knowingly and without lawful authority transferred, possessed, and used, and aided and abetted the transfer, possession, and use of, means of identification of other people, that is, the access devices listed below, during and in relation to access device fraud, each occasion constituting a separate count:

COUNT	DATE	LAST FOUR DIGITS OF CREDIT OR DEBIT CARD NO.	VICTIM'S INITIALS	EVENT	LOCATION
6	12/7/08	9142	S.C.	Card skimmed at T.G.I. Friday's	Philadelphia, PA
7	12/14/08	9142	S.C.	Purchases at Walmart	Middletown, DE
8	1/6/09	6405	R.L.	Card skimmed at T.G.I. Friday's	Philadelphia, PA
9	1/8/09	6405	R.L.	Purchase at Walmart	Philadelphia, PA
10	1/10/09	6405	R.L.	Purchases at Home Depot	Philadelphia, PA
11	1/11/09	6405	R.L.	Purchases at Home Depot	Philadelphia, PA
12	1/11/09	6405	R.L.	Purchase at Walmart	Philadelphia, PA
13	1/11/09	6405	R.L.	Purchase at CITGO service station	Philadelphia, PA

<b>COUNT</b>	<b>DATE</b>	<b>LAST FOUR DIGITS OF CREDIT OR DEBIT CARD NO.</b>	<b>VICTIM'S INITIALS</b>	<b>EVENT</b>	<b>LOCATION</b>
14	1/25/09	6405	R.L.	Purchase at Gulf service station	Wynnewood, PA
15	3/30/09	8033	D.A.	Card skimmed at T.G.I. Friday's	Philadelphia, PA
16	4/6/09	8033	D.A.	Purchase at Walmart	Rehobeth, DE
17	4/3/09	2351	J.M.	Card skimmed at T.G.I. Friday's	Philadelphia, PA
18	4/6/09	2351	J.M.	Purchase at Home Depot	Philadelphia, PA
19	4/6/09	2351	J.M.	Purchases at Macy's	Cherry Hill, NJ

All in violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(4), and 2.

**COUNTS TWENTY THROUGH TWENTY-FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 7 and 9 through 19 of Count One are incorporated here.
2. On or about the dates listed below, in Philadelphia, in the Eastern District of Pennsylvania, the District of Delaware, and elsewhere, defendants

**ABDUL CUNNINGHAM,  
a/k/a “James Walker,”  
a/k/a “Duley,” and  
TOMMY NGUYEN**

knowingly and without lawful authority transferred, possessed, and used, and aided and abetted the transfer, possession, and use of, means of identification of other people, that is, the access devices listed below, during and in relation to access device fraud, each occasion constituting a separate count:

COUNT	DATE	LAST FOUR DIGITS OF CREDIT OR DEBIT CARD NO.	VICTIM'S INITIALS	EVENT	LOCATION
20	12/27/08	1000	L.J.	Card skimmed at Vietnam Palace	Philadelphia, PA
21	12/30/08	1000	L.J.	Purchases at Home Depot	Claymont, DE
22	4/20/09	2707	J.C.	Card skimmed at Vietnam Palace	Philadelphia, PA
23	4/22/09	2707	J.C.	Purchase at Walmart	New Castle, DE
24	4/23/09	2707	J.C.	Purchase at Pathmark	New Castle, DE
25	4/23/09	2707	J.C.	Purchase at Memphis Taproom	Philadelphia, PA

All in violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(4), and 2.

**COUNTS TWENTY-SIX THROUGH FORTY**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 7 and 9 through 19 of Count One are incorporated here.
2. On or about April 23, 2009, in Delaware County, Pennsylvania, in the Eastern District of Pennsylvania, and elsewhere, defendant

**ABDUL CUNNINGHAM,  
a/k/a “James Walker,”  
a/k/a “Duley,”**

knowingly and without lawful authority transferred, possessed, and used, and aided and abetted the transfer, possession, and use of, means of identification of other people, that is, the access devices listed below, during and in relation to access device fraud, each occasion constituting a separate count:

COUNT	LAST FOUR DIGITS OF CREDIT OR DEBIT CARD NO.	VICTIM'S INITIALS
26	9871	G.W.
27	1793	J.S.
28	2424	M.S.
29	8013	R.M.
30	8975	V.P.
31	9679	K.U.
32	2498	M.M.
33	0085	K.T.
34	9062	M.T.
35	1859	M.B.
36	1979	H.S.
37	3459	J.N.
38	7544	A.R.

<b>COUNT</b>	<b>LAST FOUR DIGITS OF CREDIT OR DEBIT CARD NO.</b>	<b>VICTIM'S INITIALS</b>
39	1039	L.M.
40	5837	A.G.

All in violation of Title 18, United States Code, Section 1028A(a)(1), (c)(4).

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 18, United States Code, Section 1029(a), set forth in this indictment, defendants

**ABDUL CUNNINGHAM,  
a/k/a “James Walker,”  
a/k/a “Duley,”  
JACQUELINE V. YOUNG, and  
TOMMY NGUYEN**

shall forfeit to the United States of America:

- a. any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses, including but not limited to:
  - (1) A 2006 Dodge Magnum FXT, VIN 2D4FV47V26H154172, with Pennsylvania tag GYD-8625.

2. If any of the property described in paragraph 1 above, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third party;
- c. has been placed beyond the jurisdiction of this Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any



other property of the defendant up to the value of the property, described in subparagraphs a through e of this paragraph.

All pursuant to Title 18, United States Code, Section 1029(c)(1)(C).

**A TRUE BILL:**

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**GRAND JURY FOREPERSON**

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**MICHAEL L. LEVY**  
**UNITED STATES ATTORNEY**